

**ENTERED**

September 22, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

QUELEN NOLASCO HERRERA,  
Petitioner,

V.

LORIE DAVIS,  
Respondent.

CIVIL ACTION NO. B-15-189

**ORDER**

Pending is the Magistrate Judge's August 5, 2016, Report and Recommendation in the above-referenced cause of action. [Doc. No. 13] No objections have been lodged by either side and the time for doing so has expired.

Having reviewed all of the pleadings and the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation [Doc. No. 13] is hereby adopted. Therefore, it is ordered that Respondent Lori Davis' Motion for Summary Judgment [Doc. No. 12] is granted and Petitioner Quelen Nolasco Herrera's petition for writ of *habeas corpus* by a person in state custody pursuant to 28 U.S.C. § 2254 is dismissed as untimely filed. The Court denies the Petitioner's Certificate of Appealability.

Signed this 21<sup>st</sup> day of September, 2016.



Andrew S. Hanen  
United States District Judge